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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,293	02/13/2004	Kurt Mohr	1-25074	7430

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MACMILLAN, SOBANSKI & TODD, LLC
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EXAMINER

NGUYEN, XUAN LAN T

ART UNIT PAPER NUMBER

3683

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,293

Applicant(s)

MOHR, KURT

Examiner

Lan Nguyen

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 3,9-11 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,12,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-8, 12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwamoto (USP 4,716,994).

Re: claim 1, Iwamoto shows a disc brake, as in the present invention, comprising: a caliper 2, two brake shoes 6, 7 which are pressable against both sides of a brake disc 1 and which in relation to a peripheral force generated upon application of the brake shoes against the brake disc, are supported against a vehicle-fixed carrier 11, wherein the peripheral force in dependence upon a direction of rotation of the brake disc acts in one of two opposite peripheral force directions, as shown in figure 1; at least one device 13, 13 for at least one of measuring and converting the peripheral force, the device being disposed in a force transmission chain between at least one of the brake shoes 6 and the carrier 11; and at least one force transmission member 8, which is disposed between at least one of the brake shoes 6 and the device 13 for at least one of measuring and converting the peripheral force, and which is movable relative to the carrier 11, as shown in figure 1, under guidance in a plane parallel to the brake disc such that a transverse force introduced into the force transmission member by the brake

shoe is substantially not transmitted to the device for at least one of measuring and converting the peripheral force, wherein the at least one force transmission member 8 is disposed at one side relative to the caliper in order to take up and transmit the generated peripheral force in only one of the two peripheral force directions as shown in figure 1.

Re: claim 2, figure 2 further shows guide 10 being rigidly coupled to the carrier 11.

Re: claim 4, figure 1 shows the force transmission member 8 is guided in a rotary manner.

Re: claim 5, as shown in figure 1, the force transmission member 8 is a swivel element, which has a swiveling axis, parallel to an axis of rotation of the disc 1.

Re: claim 6, figure 1 shows the swivel element 8 being coupled to the carrier by bolt 10.

Re: claims 7 and 8, figure 1 further shows two force transmission members 8a, 8a and two devices 13, 13 disposed at each side of the brake disc 1.

Re: claim 12, column 4, line 3 shows that the device 13 is a force sensor.

Re: claim 14, figure 1 shows the force transmission member 8 being profiled at a region interacting with the brake shoe 6 and wherein the at least one brake shoe has a complementary profiling to complement member 8.

Re: claim 15, Iwamoto shows a vehicle brake system having a disc brake, as in the present invention, comprising: a caliper 2, two brake shoes 6, 7, which are pressable against both sides of a brake disc 1 and which in relation to a peripheral force

generated upon application of the brake shoes against the brake disc, are supported against a vehicle-fixed carrier 11, wherein the peripheral force in dependence upon a direction of rotation of the brake disc acts in one of two opposite peripheral force directions, as shown in figure 1; at least one device 13 for at least one of measuring and converting the peripheral force, the device being disposed in a force transmission chain between at least one of the brake shoes 6 and the carrier 11 as shown in figure 1; and at least one force transmission member 8, which is disposed between at least one of the brake shoes 6 and the device 13 for at least one of measuring and converting the peripheral force and which is movable relative to the carrier 11 under guidance in a plane parallel to the brake disc such that a transverse force introduced into the force transmission member by the brake shoe is substantially not transmitted to the device for at least one of measuring and converting the peripheral force, wherein the at least one force transmission member 8 is disposed at one side relative to the caliper in order to take up and transmit the generated peripheral force in only one of the two peripheral force directions, as shown in figure 1.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

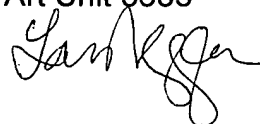
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on Monday through Friday, 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Nguyen
Primary Examiner
Art Unit 3683

 10/4/06